IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.8274 of 2006

Shri Ankush R. Ambekar .. .. Petitioner
v/s.
The State of Maharashtra & ors. .. Respondents

Mr.M.S.Karnik for petitioner.
Mr.Ashok Gade h/f Mr.V.A.Gangal for respondent No.2.
Mr.C.R.Sonawane, AGP for respondent No.1.

CORAM : SMT.RANJANA DESAI &
SMT.ROSHAN DALVI, JJ.

Dated : 11th December 2007

P.C. :

1. Petitioner is suffering from disability of partial blindness. He had applied for the post of sweeper, which was available in the 2nd respondent-Corporation. According to him, though he was entitled to the said post, he was not appointed.

2. We have perused affidavit in reply filed by one Mr.Jugansingh M. Dhakare, Deputy Commissioner (Administration), Nashik Municipal Corporation and authorised officer of respondent No.2 wherein he has stated

that as per the rules percentage of handicap required is minimum 40%. He has further stated that medical certificate issued by the Civil Surgeon of the District Hospital, Nashik, which is annexed by the petitioner to his application, shows that petitioner has got 30% partial blindness. Therefore, the petitioner is ineligible even to apply for the said post. If the eligibility criteria is minimum 40% partial blindness, then no direction can be issued by this court to appoint the petitioner who suffers 30% partial blindness.

3. In the circumstances, the petition cannot be entertained and it is dismissed.

(SMT.RANJANA DESAI, J.)

(SMT.ROSHAN DALVI, J.)